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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,078	12/14/2000	Catherine E. Salerno	PPC-770	8250

7590 12/12/2001

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EXAMINER

REICHLE, KARIN M

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 12/12/2001

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

091737078

Applicant(s)

Salerno et al

Examiner

Reiche

Group Art Unit

3761

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 12-14-00

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-8 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The drawing(s) filed on 12-14-00 is/are objected to by the Examiner

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

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The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

For Example:

The abstract of the disclosure is objected to because the abstract is too long, i.e. more than 150 words in length. Correction is required. See MPEP § 608.01(b).

It is noted that incorporation by reference of essential, i.e. claimed, subject matter by reference to U.S. Patents which themselves incorporate by reference is improper. The incorporations in the instant application should be reviewed for propriety.

The drawings are objected to because where is the structure on page 22, lines 4-9, i.e. "the portions 10... 1."? The Figures and description are not consistent, e.g. 37 is described as a transfer layer yet see Figure 6(b). The Figures are not consistent among themselves, e.g. 14 denotes two different elements. In Figures 11(a) and 11(b), structure is described as 55 whereas in Figures 13(a) and (b) the same structure is denoted by different numerals 33. The Figures should be reviewed and revised, as necessary, to be consistent with the textual description and to be consistent among themselves, i.e. same structure given same numeral, different structure given different numerals, etc. Correction is required.

The disclosure is objected to because of the following informalities: 1) On page 1, lines 3-4, "copending" should be deleted. On lines 4 and 6, "," (1st) should be deleted. On line 5, "Continuation- In-Part" should be -- continuation in part --.

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2) The Summary of the Invention Section, i.e. a description of the claimed invention, and the invention as claimed are not consistent in scope.

3) On page 16, lines 1-21, should numerals 47 and 6 be deleted?

4) On page 19, line 10, "Figure" should be -- Figures --.

5) On page 27, line 19, "48" should be -- 47 --.

6) On page 33, line 24, after "portions", -- 55 -- should be inserted and "55" deleted.

7) On page 37, line 13, "46" should be -- 47 --.

8) The description should be reviewed and revised, as necessary, to consistently describe all the structure in the Figures, see discussion of Figures supra.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sneller et al '422.

See, e.g., Figures 6-7, column 4, lines 34-38, column 4, line 62 - column 5, line 33, column 5, lines 65 et seq, column 6, lines 21-55, column 9, line 54 - column 10, line 49, column 11, lines 48-52, column 13, lines 18-23, column 13, line 51 - column 14, line 32, i.e. high loft material can be 42 and 44' or 42, 44 and 44' and porous material can be side portions of 24 or 44 or 44'.

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Claims 1-4 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by McNeil-PPC '488.

See, e.g., Figures 11a - 11d, Figures 4-5, column 6, lines 26 et seq, column 7, lines 9-11, column 8, line 22-25, column 17, lines 38-40, i.e. highloft material 48 or/and 14, porous material 18.

Applicant's 12-14-00 communication is noted and has been placed in the file but since there was no 8-14-00 Office Action in the instant application such arguments are deemed moot at this time.

Any inquiry concerning this communication should be directed to K. Reichle at telephone number (703) 308-2617. The Examiner's regular work schedule is Monday - Thursday.

K. Reichle:bhw

November 28, 2001


Karin M. Reichle
Patent Examiner